

## REMARKS

The present amendment is submitted in conjunction with a Request for Continued Examination and in response to the final Office Action dated June 29, 2007, which set a three-month period for response, making this amendment due by September 29, 2007 and with the initial two-month period for response expiring on August 29, 2007.

Claims 1-2 and 4-13 and 15-18 are pending in this application.

In the final Office Action, claims 6 and 13 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1, 2, 4-11, 14, 15, 16, and 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,840,762 to Kasabian. Claims 12 and 13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kasabian in view of U.S. Patent No. 6,296,427 to Potter et al.

In the present amendment, claims 6 and 13 have been amended to address the formal rejection under Section 112, second paragraph. The language added to clarify claim 6 can be found on page 7, lines 9-13 of the specification, and the feature added to clarify claim 13 is shown in Fig. 2b.

Claims 1 and 7 were amended to more clearly define the invention over the cited references by adding the feature that the through openings (14) have a conical shape. This feature is disclosed on page 5, lines 1 and 2 of the specification and can be seen in Fig. 2d. In this connection, the specification has been amended on page 7, line 2, to refer to Fig. 2d.

Claim 14 has been canceled, as it contradicts amended claim 7.

In addition, new claim 18 has been added, which defines that the through openings (14) within the groups (28) have different diameters. This feature is disclosed on page 6, lines 20-22.

The Applicant respectfully submits that the present invention as defined in the amended claims is neither anticipated by nor made obvious over the cited references.

Kasabian et al discloses arranging inlet means in a filter screen (112) of a filter (102) at one end of a casing (22) (see Kasabian, Figs. 1 and 3; column 4, lines 8-17 and claim 1). The filter screen (112) which embodies the inlet means has no through openings which are formed conically as recited in amended claim 1.

Because of the specific geometric form of the through openings (14, 14') of the present invention, the cooling of the motor can be improved advantageously. Furthermore, the conical through openings (14, 14') improve the noise reduction because a coolant flow in a housing of a power tool is substantially non-directional and widely fanned out.

The practitioner skilled in the art would not find any teaching or suggestion in Kasabian for embodying the through openings of the filter screen (112) as conical. Therefore, amended claims 1 and 7 are patentable over this reference.

The Potter et al reference discloses a drill (10) with a housing (12) having slits (62, 64) which provide air passages between an ambient and a motor (14) to cool the motor (14) (see Potter et al, Fig. 1 and column 3, lines 52-54). The slits

(62, 64) are not conical as defined in the amended claims of the instant application.

When the through openings are conical, in contrast to the ventilation slits of Potter et al, the mechanical stability of the arrangement is preserved substantially unchanged, even if the number of through openings, and therefore, the total area are greatly increased.

Therefore, claims 1 and 7 also are patentable over the Potter et al reference.

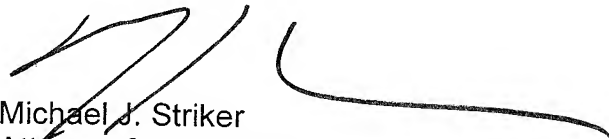
Furthermore, the combination of the Kasabian and Potter references would not lead the practitioner to the present invention as defined in amended claims 1 and 7, since neither reference teaches or suggests conical through openings.

It is respectfully submitted that since the prior art does not suggest the desirability of the claimed invention, such art cannot establish a prima facie case of obviousness as clearly set forth in MPEP section 2143.01. When establishing obviousness under Section 103, it is not pertinent whether the prior art device possess the functional characteristics of the claimed invention, if the reference does not describe or suggest its structure. *In re Mills*, 16 USPQ 2d 1430, 1432-33 (Fed. Cir. 1990).

The application in its amended state is believed to be in condition for allowance. Action to this end is courteously solicited. Should the Examiner have any further comments or suggestions, the undersigned would very much

welcome a telephone call in order to resolves any issues in order to expedite  
placement of the application into condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael J. Striker', with a long horizontal flourish extending to the right.

Michael J. Striker  
Attorney for Applicant  
Reg. No.: 27233  
103 East Neck Road  
Huntington, New York 11743  
631-549-4700